

Senate Study Bill 3075 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act prohibiting certain credits for time served while on
2 probation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.3, subsection 3, unnumbered
2 paragraph 1, Code Supplement 2011, is amended to read as
3 follows:

4 By record entry at the time of or after sentencing, the court
5 may suspend the sentence and place the defendant on probation
6 upon such terms and conditions as it may require including
7 commitment to an alternate jail facility or a community
8 correctional residential treatment facility to be followed
9 by a period of probation as specified in section 907.7, or
10 commitment of the defendant to the judicial district department
11 of correctional services for supervision or services under
12 section 901B.1 at the level of sanctions which the district
13 department determines to be appropriate and the payment of
14 fees imposed under section 905.14. A person so committed
15 who has probation revoked shall not be given credit for such
16 time served. However, the court shall not suspend any of the
17 following sentences:

18 EXPLANATION

19 This bill relates to receiving credit for time served while
20 on probation.

21 Under the bill, a person who receives a suspended sentence
22 shall not be given credit for time served while on probation in
23 an alternate jail facility, community correctional residential
24 treatment facility, or upon commitment to the judicial
25 district department of correctional services for supervision
26 or services.

27 The bill is in response to Anderson v. State, 801 N.W.2d 1
28 (Iowa 2011), in which the Iowa supreme court ruled Iowa law
29 requires a person, who is on probation and subsequently sent to
30 prison, to receive credit for the time served at an alternate
31 jail facility, a community correctional residential treatment
32 facility, or a judicial district department of correctional
33 services for supervision or services.

34 Credit for time served ultimately reduces the period of time
35 a person serves in confinement in a jail or prison. Credit for

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1 time served is not earned time under Code section 903A.2.